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General Assembly
Fifty-third Session

Official Records

83rd plenary meeting
Tuesday, 8 December 1998, 3 p.m.
New York

President: Mr. Opertti ..... (Uruguay)

In the absence of the President, Mrs. Osode (Liberia), Vice-President, took the Chair.

The meeting was called to order at 3.15 p.m.

Reports of the Sixth Committee

The Acting President: This afternoon, the General Assembly will consider the reports of the Sixth Committee on agenda items 146 to 156.

I request the Rapporteur of the Sixth Committee, Mr. Rytis Paulauskas of Lithuania, to introduce the reports of the Sixth Committee in one intervention.

Mr. Paulauskas (Lithuania), Rapporteur of the Sixth Committee: I have the honour of presenting to the General Assembly the reports of the Sixth Committee on the 11 agenda items allocated to it, namely, items 146 to 156. The Sixth Committee this year adopted 13 draft resolutions and one draft decision, all of them without a vote.

I will start my introduction of the reports of the Sixth Committee with agenda item 146, entitled "Status of the Protocols Additional to the Geneva Conventions of 1949 and relating to the protection of victims of armed conflicts". The relevant report of the Sixth Committee is contained in document A/53/627, and the draft resolution recommended to the General Assembly for adoption is reproduced in paragraph 9 thereof.

Under the terms of that draft resolution, the Assembly would, in particular, appeal to all States parties to the Geneva Conventions of 1949 that have not yet done so to consider becoming parties to the additional Protocols at the earliest possible date; call upon all States that are already parties to Protocol I, or those States not parties, on becoming parties to Protocol I, to make the declaration provided for under article 90 of that Protocol; and request the Secretary-General to submit to the Assembly at its fifty-fifth session a report on the status of those instruments, as well as measures taken to strengthen the existing body of humanitarian law.

The Sixth Committee adopted the draft resolution without a vote, and it is hoped that the Assembly will do the same.

I now invite the Assembly's attention to agenda item 147, entitled "Consideration of effective measures to enhance the protection, security and safety of diplomatic and consular missions and representatives". The relevant report of the Sixth Committee is contained in document A/53/628, and the draft resolution which the Sixth Committee recommends to the General Assembly for adoption is reproduced in paragraph 8 thereof.

Under the terms of the draft resolution, the Assembly would, *inter alia*, strongly condemn the recent acts of violence against diplomatic and consular missions, representatives and officials and would urge States to take all necessary measures at the national and international levels to prevent any such acts of violence and to ensure,

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with the participation of the United Nations, where appropriate, that such acts are fully investigated with a view to bringing the offenders to justice.

It is hoped that the Assembly, like the Sixth Committee, will adopt the draft resolution without a vote.

I would like now to turn to agenda item 148, entitled "Convention on jurisdictional immunities of States and their property". The relevant report of the Sixth Committee has been issued under the symbol A/53/629. The Sixth Committee recommends to the General Assembly for adoption the draft resolution reproduced in paragraph 8 of the report.

Under the terms of the draft resolution, the General Assembly would, *inter alia*, decide to establish an open-ended working group of the Sixth Committee, open also to participation by States members of the specialized agencies, at its fifty-fourth session to consider outstanding substantive issues related to the draft articles on the topic, taking into account recent State practice, legislation and comments submitted by States, as well as to consider whether there are any issues upon which it would be useful to seek further comments and recommendations of the International Law Commission. It would also invite the International Law Commission to present any preliminary comments regarding outstanding substantive issues related to the draft articles.

The Sixth Committee adopted the draft resolution without a vote, and I hope that the Assembly will do the same.

I now turn to agenda item 149, entitled "United Nations Decade of International Law". The report of the Sixth Committee on this item is contained in document A/53/630. The Sixth Committee recommends for adoption by the General Assembly three draft resolutions, which are contained in paragraph 17 of the report.

Under the terms of draft resolution I, entitled "Action dedicated to the 1999 centennial of the first International Peace Conference and to the closing of the United Nations Decade of International Law", the General Assembly would, *inter alia*, encourage all States to participate in the activities set out in the programme of action and to coordinate their efforts in this respect, as well as to take appropriate measures to ensure universal participation in the activities pursuant to the programme of action.

The Assembly would also encourage the competent United Nations organs, subsidiary organs, programmes and specialized agencies, including the Secretariat, as well as other international organizations, non-governmental organizations, groups and individuals to continue to contribute to the discussions on the themes of the centennial on the basis of the preliminary reports and to consider participation in the activities envisaged in the programme of action.

The Assembly would also request the Governments of the Netherlands and the Russian Federation to prepare reports on the outcome of the centennial celebrations, as well as invite the Secretary-General to consider any activities to promote the outcome of the Decade, and would decide to consider at its fifty-fourth session the outcome of the actions dedicated to the centennial and to the closing of the Decade.

Under the terms of draft resolution II, entitled "United Nations Decade of International Law", the General Assembly would, *inter alia*, invite all States and relevant international organizations and institutions to provide, update or supplement information on activities they have undertaken for inclusion in the final report on the implementation of the programme of action to be prepared by the Secretary-General, which should also contain a list of major international conventions adopted under the auspices of the United Nations during the Decade in the field of international law.

The Assembly would also welcome the work of the Permanent Court of Arbitration in the field of the peaceful settlement of disputes, including the adoption of its optional rules of procedure for fact-finding commissions of inquiry.

The Secretary-General would be authorized to deposit, on behalf of the United Nations, an act of formal confirmation of the Vienna Convention on the Law of Treaties between States and International Organizations or between International Organizations. States would be encouraged to consider ratifying or acceding to that Convention, international organizations that have signed the Convention would be encouraged to deposit an act of formal confirmation of the Convention and other international organizations entitled to do so would be encouraged to accede to it at an early date.

The Assembly would also encourage the Secretary-General to continue developing a policy of providing Internet access to the United Nations *Treaty Series* and

the *Multilateral Treaties Deposited with the Secretary-General*.

The Secretary-General would also be requested to ensure that all necessary assistance is provided, including translation services, to implement the plan to eliminate the historical backlog in the publication of the United Nations *Treaty Series* within the next biennium.

The Assembly would also take note of the events that will take place during 1999 to commemorate the centennial of the first International Peace Conference and would decide to convene a one-day plenary meeting at its fifty-fourth session, on 17 November 1999, to mark the end of the United Nations Decade of International Law.

In draft resolution III, entitled "Principles and guidelines for international negotiations", the General Assembly would reaffirm a list of principles of international law contained therein of relevance to international negotiations and would affirm the importance of conducting negotiations in accordance with international law in a manner compatible with and conducive to the achievement of the stated objective of negotiations and in line with the list of guidelines included therein.

The Assembly would recognize that those principles and guidelines could offer a general, non-exhaustive frame of reference for negotiations.

The Sixth Committee adopted these three draft resolutions without a vote. The Assembly may wish to do the same.

I now turn to agenda item 150, "Report of the International Law Commission on the work of its fiftieth session". The relevant report of the Sixth Committee is contained in document A/53/631, and the draft resolution recommended to the General Assembly for adoption is found in paragraph 10 of that report.

The Sixth Committee had a thematic discussion of the report of the Commission for a period of two weeks. A dialogue followed between the Commission, through its Chairman and Special Rapporteurs, and the members of the Sixth Committee.

The draft resolution, *inter alia*, would request Governments to submit their comments on the draft articles on the prevention of transboundary damage from hazardous activities under the topic "International liability for injurious consequences arising out of acts not prohibited by international law" and to submit to the Commission their most relevant national legislation, decisions of domestic courts and State practice relating to the topic of diplomatic protection.

The General Assembly would endorse the Commission's decision to hold a 12-week session in 1999, would take note of the Commission's consideration of holding split sessions from the year 2000 and would request the Commission to examine the advantages and disadvantages of such split sessions.

It is hoped that the Assembly, like the Sixth Committee, will adopt the draft resolution without a vote.

I now turn to agenda item 151, entitled "Report of the United Nations Commission on International Trade Law on the work of its thirty-first session". The relevant report of the Sixth Committee on this item is contained in document A/53/632, and the draft resolution recommended to the General Assembly for adoption is found in paragraph 8 of the report.

Under the terms of the draft resolution, the General Assembly would commend the Commission for the progress made in its work, reaffirm the mandate of the Commission to coordinate legal activities in this field, reaffirm the importance of the work of the Commission concerned with training and technical assistance and stress the importance of bringing into effect the conventions emanating from the work of the Commission.

The Sixth Committee adopted the draft resolution without a vote. The Assembly may wish to do so as well.

Let me now turn to agenda item 152, entitled "Report of the Committee on Relations with the Host Country". The relevant report of the Sixth Committee is contained in document A/53/633, and the draft resolution recommended to the General Assembly for adoption is found in paragraph 9 of that report.

Under the terms of the draft resolution, the General Assembly would endorse the recommendations and conclusions of the Committee contained in its report to the Assembly at its fifty-third session, including the recommendation that its membership be increased by four new members, one each from the African, Asian, Latin American and Caribbean and Eastern European regional groups.

The Assembly would express its appreciation for the efforts made by the host country and would request it, in particular, to continue to take all measures necessary to prevent any interference with the functioning of missions accredited to the United Nations.

The Assembly would request the host country to consider removing travel controls imposed on staff of certain missions and staff members of the Secretariat of certain nationalities, and to continue to take steps to resolve the problem relating to the parking of diplomatic vehicles in a fair, balanced and non-discriminatory way in consultation with the Committee.

The Sixth Committee adopted the draft resolution without a vote. The Assembly may wish to do so as well.

I turn now to the report of the Sixth Committee submitted under agenda item 153, entitled "Establishment of an international criminal court". The report is contained in document A/53/634, and the draft resolution recommended to the General Assembly is to be found in paragraph 9 of that report.

By this draft resolution, the General Assembly would acknowledge the historic significance of the adoption of the Rome Statute of the International Criminal Court. It would, *inter alia*, express its deep appreciation and gratitude to the Government of Italy for hosting the Rome Conference, and call upon all States to consider signing and ratifying the Rome Statute of the International Criminal Court. The Assembly would also request the Secretary-General to convene the Preparatory Commission to meet, in accordance with resolution F adopted by the Rome Conference, in order to carry out the mandate of that resolution, and, in that connection, to discuss ways to enhance the effectiveness and acceptance of the Court, from 16 to 26 February 1999, from 26 July to 13 August 1999 and from 29 November to 17 December 1999.

The Assembly would further request the Secretary-General to invite, as observers to the Preparatory Commission, representatives of organizations and other entities that have received a standing invitation from the General Assembly, pursuant to its relevant resolutions, to participate, in the capacity of observers, in its sessions and work, and also to invite as observers to the Preparatory Commission representatives of interested regional intergovernmental organizations and other interested international bodies, including the ad hoc international tribunals for former Yugoslavia and Rwanda. In addition, the Assembly would note that non-governmental organizations may participate in the work of the Preparatory Commission by attending its plenary meetings and its other open meetings, in accordance with the rules of procedure to be adopted by the Commission.

The Assembly would also request the Secretary-General to take steps in order to expand the mandate of the trust funds established in resolutions 51/207 and 52/160, and would invite States to contribute voluntarily to the trust funds.

The Sixth Committee adopted the draft resolution without a vote, and it is hoped that the General Assembly will be in a position to do the same.

I now turn to agenda item 154, entitled "Report of the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization". The report of the Sixth Committee on this item is contained in document A/53/635, and the two draft resolutions recommended for adoption by the General Assembly are found in paragraph 14 of the report.

By draft resolution I, the General Assembly would, *inter alia*, welcome the report of the Secretary-General on the results of the ad hoc expert group meeting convened in accordance with General Assembly resolution 52/162, and would request the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization to continue its consideration of all proposals concerning the question of the maintenance of international peace and security in all its aspects in order to strengthen the role of the United Nations, to continue to consider on a priority basis the question of the implementation of the provisions of the Charter related to assistance to third States affected by the application of sanctions under Chapter VII of the Charter, to continue its work on the question of the peaceful settlement of disputes between States, to continue to consider proposals concerning the Trusteeship Council, to continue to consider practical ways of strengthening the International Court of Justice. It would request the Secretary-General to continue to undertake efforts to identify resources to prepare supplements to the *Repertory of Practice of United Nations Organs* and the *Repertoire of the Practice of the Security Council*.

By draft resolution II, the General Assembly would renew its invitation to the Security Council to consider the establishment of further mechanisms for consultations

as early as possible under Article 50 of the Charter with third States affected by the application of sanctions under Chapter VII. It would request the Secretary-General to seek the views of States, the organizations of the United Nations system, international financial institutions and other international organizations regarding the report of the ad hoc expert group on the consequences incurred by the said third States. It would reaffirm the important role of the General Assembly, the Economic and Social Council and the Committee for Programme and Coordination in mobilizing and monitoring the economic assistance efforts to States confronted with special economic problems arising from preventive or enforcement measures, and would decide to transmit the report of the ad hoc expert group meeting to the Economic and Social Council.

The Assembly would also request the Special Committee to continue to consider on a priority basis the question of the implementation of the provisions of the Charter related to assistance to third States affected by the application of sanctions, and would decide to continue to consider within the Sixth Committee, or if necessary within a working group of that Committee, further progress in the elaboration of effective measures aimed at the implementation of the provisions previously referred to.

These two draft resolutions were adopted without a vote by the Sixth Committee. The Assembly too may wish to adopt them without a vote.

I now turn to agenda item 155, entitled "Measures to eliminate international terrorism". The relevant report of the Sixth Committee is contained in document A/53/636, and the draft resolution recommended to the General Assembly for adoption is reproduced in paragraph 10 of that report.

By that draft resolution, the Assembly would strongly condemn all acts, methods and practices of terrorism as criminal and unjustifiable, wherever and by whomsoever committed. The Assembly would decide to address at its fifty-fourth session the question of convening a high-level conference in the year 2000 under the auspices of the United Nations to formulate a joint organized response of the international community to terrorism in all its forms and manifestations. The Ad Hoc Committee established by General Assembly resolution 51/210 of 17 December 1996 would continue to elaborate a draft international convention for the suppression of acts of nuclear terrorism with a view to completing the instrument and would elaborate the draft of an international convention for the suppression of terrorist financing to supplement related existing international instruments, and subsequently would address means of further developing a comprehensive legal framework of conventions dealing with international terrorism, including considering, on a priority basis, the elaboration of a comprehensive convention on international terrorism. The Ad Hoc Committee would meet from 15 to 26 March 1999, devoting appropriate time to the consideration of the outstanding issues relating to the elaboration of a draft international convention for the suppression of acts of nuclear terrorism and would initiate the elaboration of the text of a draft international convention for the suppression of terrorist financing. The Assembly would recommend that the work continue during the fifty-fourth session of the General Assembly from 27 September to 8 October 1999 within the framework of a working group of the Sixth Committee and that the Ad Hoc Committee be convened in the year 2000 to continue its work. The Ad Hoc Committee would be requested to report to the Assembly at its fifty-third session in the event of the completion of the draft convention for the suppression of acts of nuclear terrorism and, further, to report to it at its fifty-fourth session on progress made in the implementation of the Committee's mandate.

The Sixth Committee adopted this draft resolution without a vote. It is hoped that the Assembly will do the same.

Finally, I invite the Assembly's attention to agenda item 156, entitled "Review of the statute of the Administrative Tribunal of the United Nations". The relevant report of the Sixth Committee is contained in document A/53/637, and the draft decision recommended for adoption by the General Assembly is reproduced in paragraph 6 of the report.

In the draft decision, the General Assembly, desiring to review the provisions of the statute of the United Nations Administrative Tribunal and mindful of the comments made by States in this regard at its fifty-third session, would decide to include the item entitled "Review of the statute of the United Nations Administrative Tribunal" in the agenda of its fifty-fourth session.

The Sixth Committee adopted the draft decision without a vote. The Assembly may wish to do the same.

Before concluding, I should also like to inform the Assembly that at its 13th meeting, on 26 October, under agenda item 154, entitled "Report of the Special

Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization", the Sixth Committee requested its Chairman to transmit without delay the observations submitted by the International Court of Justice in response to paragraph 4 of General Assembly resolution 52/161 of 15 December 1997 to the Chairman of the Fifth Committee for possible consideration by the Fifth Committee in connection with its agenda item 113. As members know, this was duly transmitted through the President on 27 October 1998.

This concludes my introduction of the reports of the Sixth Committee.

On behalf of the Committee, I wish to express our gratitude to the President for the assistance he accorded to the work of the Sixth Committee during this session. I also wish to thank the members of the Bureau of the Sixth Committee — the Chairman, Ambassador Jargalsaikhany Enkhsaikhan, and the Vice-Chairpersons, Mrs. Socorro Flores Liera, Mr. Phakiso Mochochoko and Mr. Hendrikus Verweij — for the valuable advice, support and friendship they offered me.

My sincere gratitude goes also to the Chairpersons of the working groups of the Sixth Committee and to the coordinators of informal consultations for their diplomatic skills and efforts in bringing the work of the Committee to a successful conclusion.

Finally, I also wish to pay special tribute to the members of the Secretariat, in particular Mr. Roy Lee, Mr. Manuel Rama-Montaldo and Ms. Sachiko Kuwabara-Yamamoto, for the invaluable assistance they provided to me throughout the session and in the preparation of the various reports of the Sixth Committee.

We will all miss Mr. Roy Lee, who will be retiring this year from the United Nations after dedicating more than 30 years to the international civil service. I am convinced that with his deep and thorough knowledge of contemporary law issues, his lectures at Columbia University and other academic institutions will greatly benefit future generations of diplomats. I wish him all the best.

My gratitude goes also to the interpreters, translators, conference officers and documentation officers, without whom our work would have been difficult to accomplish.

The Acting President: If there is no proposal under rule 66 of the rules of procedure, I shall take it that the General Assembly decides not to discuss the reports of the Sixth Committee which are before the Assembly today.

It was so decided.

The Acting President: Statements will therefore be limited to explanations of vote.

The positions of delegations regarding the recommendations of the Sixth Committee have been made clear in the Committee and are reflected in the relevant official records.

May I remind members that under paragraph 7 of decision 34/401, the General Assembly agreed that

> "When the same draft resolution is considered in a Main Committee and in plenary meeting, a delegation should, as far as possible, explain its vote only once, i.e., either in the Committee or in plenary meeting unless that delegation's vote in plenary meeting is different from its vote in the Committee."

May I also remind delegations that explanations of vote are limited to 10 minutes and should be made by delegations from their seats.

Before we begin to take action on the recommendations contained in the reports of the Sixth Committee, I should like to advise representatives that we are going to proceed to take decisions in the same manner as was done in the Sixth Committee, except in those cases where delegations have already notified the Secretariat otherwise.

I should hope that we may proceed to adopt without a vote those recommendations that were adopted without a vote in the Sixth Committee.

Agenda item 146

Status of the Protocols Additional to the Geneva Conventions of 1949 and relating to the protection of victims of armed conflicts

Report of the Sixth Committee (A/53/627)

The Acting President: The Assembly will now take a decision on the draft resolution recommended by the Sixth Committee in paragraph 9 of its report.

The Sixth Committee adopted the draft resolution without a vote.

May I consider that the Assembly wishes to do the likewise?

The draft resolution was adopted (resolution 53/96).

The Acting President: I shall now call on those delegations wishing to make statements in explanation of position on the resolution just adopted.

Mr. Wehbe (Syrian Arab Republic) (*interpretation from Arabic*): My delegation joined the consensus for the adoption of the resolution under agenda item 146 because of our commitment to the methods employed by the Sixth Committee in the adoption of its draft resolutions. Nevertheless, my delegation has a few comments on certain paragraphs of this resolution. We would have preferred the wording to be different.

We are profoundly convinced of the value of the noble principles concerning armed conflicts contained in the Geneva Conventions and its Protocols and in international humanitarian law. We are also convinced of the need to respect and ensure respect for its rules under all circumstances, within the framework of relevant international instruments. This is why the Government of the Syrian Arab Republic affirms the need and importance of complying with international humanitarian law and making it more effective.

My delegation believes that it would have been preferable to welcome the holding of the meeting of the Intergovernmental Group of Experts on the Protection of War Victims to deal with the general problems regarding the Geneva Conventions, a recommendation made by the General Assembly at its tenth emergency special session in resolution ES-10/5. The General Assembly was invited to do so in order to bring together the depository States and the States parties. The depository States were also to discharge their responsibilities as depositories of that international instrument.

In this connection, we reaffirm the need to hold as soon as possible an international conference of the contracting parties to the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949.

The first Protocol approved by the international community stipulates that every State has the duty, in conformity with the Charter of the United Nations, to refrain in its international relations from the use of force against the sovereignty, territorial integrity or political independence of any State. There is nothing in the Geneva Conventions which could be interpreted as giving legitimacy to occupation, aggression or the use of force in a manner which contravenes the Charter.

The fourth paragraph of article 1 of Protocol I deals with armed conflicts in which peoples are fighting against alien occupation, colonial domination and racist regimes in the framework of the exercise by peoples of their right of self-determination. For this reason, our delegation believes that the meeting held in Geneva on 27-29 October 1998 was a prelude to a meeting of the parties, in accordance with the resolutions adopted by the General Assembly at its tenth emergency special session — ES-10/2, ES-10/3, ES-10/4 and ES-10/5 — in order to consider the implementation of Protocol I of the Convention with regard to Palestinian and other Arab territories occupied by Israel and to find a mechanism that can ensure compliance with and implementation of the Geneva Conventions. The meeting should also consider Israel's refusal to apply these Protocols and Conventions, especially Protocol I, to the occupied territories. The fact is that Israel continues on a daily basis to commit crimes against civilians under occupation. Those crimes include torture, massacres, rape, hostage-taking, arrests, deportation, transfer of populations, creation of settlements, bombing of homes and confiscation of property, among others.

The international community must ensure that States respect the Conventions, in accordance with article 1 of the Fourth Convention, which stipulates that all States must undertake to respect and to ensure respect for the Convention. Since Israel is not respecting these Conventions, States parties are duty-bound, in accordance with that article, to ensure compliance with them and to take all necessary measures to induce the States that are

violating the Conventions to respect them and their provisions.

Lastly, allow me to quote the High Commissioner for Human Rights, speaking at the conclusion of the Geneva meeting: when the provisions of the Fourth Convention are being violated, and when the lives of a people are being threatened, then any delay in the convening of a conference of the parties to the Fourth Convention is tantamount to complicity with whoever is violating those commitments. Respect for human rights and the application of international humanitarian law cannot be deferred on political grounds.

Mr. Gomaa (Egypt) (*interpretation from Arabic*): My delegation has asked for the floor to explain its position on the draft resolution pertaining to the two Protocols relating to the protection of victims of armed conflicts. The Egyptian delegation attaches great importance to the provisions of the Protocols Additional to the 1949 Convention, particularly Protocol I on armed conflicts of an international nature. These Protocols contain important provisions that are complementary to international law and regulate relations between the civilian population and the occupying Power. In this regard, we would recall that the international community has recognized that the 1949 Geneva Convention and the two Additional Protocols apply to the occupied Palestinian territories.

We reaffirm the need to convene a meeting of States parties to the Fourth Geneva Convention in Geneva pursuant to the request of the tenth emergency special session of the Assembly to consider ways to implement the Convention in occupied Palestinian territory. In this context, the Egyptian delegation would like to draw the attention of other delegations to article 7 of the First Protocol, which allows for the convening of a meeting of States parties at the request of one or more of the said parties by simple majority.

The Acting President: May I take it that it is the wish of the Assembly to conclude its consideration of agenda item 146?

It was so decided.

Agenda item 147

Consideration of effective measures to enhance the protection, security and safety of diplomatic and consular missions and representatives

Report of the Sixth Committee (A/53/628)

The Acting President: The Assembly will now take a decision on the draft resolution recommended by the Sixth Committee in paragraph 8 of its report.

The Fifth Committee adopted the draft resolution without a vote. May I consider that the Assembly wishes to do the same?

The draft resolution was adopted (resolution 53/97).

The Acting President: May I take it that it is the wish of the General Assembly to conclude its consideration of agenda item 147?

It was so decided.

Agenda item 148

Convention on jurisdictional immunities of States and their property

Report of the Sixth Committee (A/53/629)

The Acting President: The Assembly will now take a decision on the draft resolution recommended by the Sixth Committee in paragraph 8 of its report.

The Sixth Committee adopted the draft resolution without a vote. May I consider that the Assembly wishes to do the same?

The draft resolution was adopted (resolution 53/98).

The Acting President: May I take it that it is the wish of the General Assembly to conclude its consideration of agenda item 148?

It was so decided.

Agenda item 149

United Nations Decade of International Law

Report of the Sixth Committee (A/53/630)

The Acting President: The Assembly will now proceed to take a decision on the three draft resolutions recommended by the Sixth Committee in paragraph 17 of its report.

I now give the floor to the representative of Ecuador, who wishes to speak in explanation of position before action is taken.

Mr. Valencia Rodríguez (Ecuador) (*interpretation from Spanish*): The agenda item on the United Nations Decade of International Law is of special interest to the delegation of Ecuador. On this occasion we believe that we should make all possible efforts so that international law can be developed as fully as possible and so that it can be a secure and well-established basis for the maintenance of peaceful and friendly relations among States. The very fact that the Decade was established for this purpose shows that one of the objectives of the United Nations is, *inter alia*, to encourage the progressive development of international law and its codification, as set forth in paragraph 1 (a) of Article 13 of the Charter.

In this respect, we believe that the agreements signed between Ecuador and Peru following a long process of negotiation undertaken as a result of the Itamaraty Declaration of Peace of 17 February 1995 is a clear example of this progressive development.

In fact, by means of these agreements, the two negotiating countries put an end to the Ecuadorian-Peruvian territorial conflict that had lasted for many years, and in doing so they have shown the world that international law is not static and cannot be allowed to stagnate. The conclusion of that negotiation shows that the Protocol of Rio de Janeiro needed to be supplemented in order to respond adequately to the needs and aspirations of the two peoples. Among the fundamental aspects of this progressive and modernizing development, we should mention the signing of the treaty of trade and navigation, in application of article 6 of the Protocol; a broad agreement on border integration, development and neighbourly relations; a basic agreement on the rehabilitation or reconstruction of the sluice of the Zarumilla Canal and related projects; an agreement on aspects related to the navigation of the border-crossing segments of rivers and of the Napo River; and an agreement on confidence-building and security measures.

These innovations that the two countries achieved in the field of international law are fundamental. Suffice it to mention by way of example that the Ecuadorian position regarding access to the Marañón River and the Amazon was specified in the treaty on trade and navigation, which states that Ecuador will have, for the purpose of peaceful navigation and trade on the Amazon and its northern tributaries, the rights that are stipulated in that instrument, which will be exercised freely, without charge, continuously and in perpetuity.

To facilitate these rights, two trade and navigation centres, each with an area of 150 hectares, will be established on Peruvian territory for a renewable period of 50 years.

Lastly, I would like to say that my delegation has received instructions to request, together with the delegation of Peru and with those of the four guarantor countries of the Protocol of Rio de Janeiro — Argentina, Brazil, Chile and the United States — that all these important instruments signed by Ecuador and Peru, with the inestimable assistance of the guarantor countries, be reproduced as General Assembly and Security Council documents. This will be credible evidence that the political will of States makes possible the progressive development of international law.

These are the reasons why my delegation supports draft resolution II contained in document A/53/630.

The Acting President: The Assembly will now take decisions on the three draft resolutions recommended by the Sixth Committee in paragraph 17 of its report in document A/53/630.

Draft resolution I is entitled "Action dedicated to the 1999 centennial of the first International Peace Conference and to the closing of the United Nations Decade of International Law".

The Sixth Committee adopted the draft resolution without a vote. May I take it that the Assembly wishes to do the same?

Draft resolution I was adopted (resolution 53/99).

The Acting President: Draft resolution II is entitled "United Nations Decade of International Law".

The Sixth Committee adopted the draft resolution without a vote. May I take it that the Assembly wishes to do likewise?

Draft resolution II was adopted (resolution 53/100).

The Acting President: Draft resolution III is entitled "Principles and guidelines for international negotiations".

The Sixth Committee adopted the draft resolution without a vote. May I take it that the Assembly wishes to do likewise?

Draft resolution III was adopted (resolution 53/101).

The Acting President: May I take it that it is the wish of the Assembly to conclude its consideration of agenda item 149?

It was so decided.

Agenda item 150

Report of the International Law Commission on the work of its fiftieth session

Report of the Sixth Committee (A/53/631)

The Acting President: The Assembly will now take a decision on the draft resolution recommended by the Sixth Committee in paragraph 10 of its report.

The Sixth Committee adopted the draft resolution without a vote. May I consider that the Assembly wishes to do the same?

The draft resolution was adopted (resolution 53/102).

The Acting President: May I take it that it is the wish of the General Assembly to conclude its consideration of agenda item 150?

It was so decided.

Agenda item 151

Report of the United Nations Commission on International Trade Law on the work of its thirty-first session

Report of the Sixth Committee (A/53/632)

The Acting President: The Assembly will now take a decision on the draft resolution recommended by the Sixth Committee in paragraph 8 of its report.

The Sixth Committee adopted the draft resolution without a vote. May I take it that the Assembly wishes to do likewise?

The draft resolution was adopted (resolution 53/103).

May I take it that it is the wish of the General Assembly to conclude its consideration of agenda item 151?

It was so decided.

Agenda item 152

Report of the Committee on Relations with the Host Country

Report of the Sixth Committee (A/53/633)

The Acting President: The Assembly will now take a decision on the draft resolution recommended by the Sixth Committee in paragraph 9 of its report.

The Sixth Committee adopted the draft resolution without a vote. May I consider that the Assembly wishes to do the same?

The draft resolution was adopted (resolution 53/104).

The Acting President: The General Assembly has thus concluded its consideration of agenda item 152.

Agenda item 153

Establishment of an international criminal court

Report of the Sixth Committee (A/53/634)

The Acting President: The Assembly will now proceed to take a decision on the draft resolution recommended by the Sixth Committee in paragraph 9 of its report.

I call on the representative of Colombia, who wishes to speak in explanation of position before action is taken on the draft resolution.

Mr. Valdivieso (Colombia) (*interpretation from Spanish*): My country wants to express its satisfaction with the text of the draft resolution on the establishment of an international criminal court, which emphatically acknowledges the historic significance of the decisions adopted in Rome and which promotes the efforts aimed at having the International Criminal Court begin to function, especially through the request made to the Secretary-General to convene, early next year, the Preparatory Commission in charge of preparing the additional instruments to the Statute of the Court.

The adoption of the Statute of the Court by the United Nations Diplomatic Conference in Rome constitutes a milestone in the codification and progressive development of international law, and meets the aspiration of the international community to put an end to impunity for the gravest violations of human rights.

Colombia participated in a constructive spirit in the negotiations prior to the Rome Diplomatic Conference and voted in favour of the adoption of the Statute of the International Criminal Court. It is in that same spirit that we will be working within the Preparatory Commission and making a positive contribution so that the just, impartial, independent and effective Criminal Court that we all want can be established and begin to function as soon as possible.

For all of these reasons, it is an honour for me to announce that on 10 December this year my Government will sign the Statute of the International Criminal Court, after carrying out a broad process of study and consultation with State entities and various organizations of civil society in our country.

In doing so on the very day when the Assembly will be commemorating the fiftieth anniversary of the Universal Declaration of Human Rights, the Government of Colombia wishes to underscore the importance it attaches to the establishment of the Court and its close link with the subject of human rights. On that same date, in Bogotá, the Vice-President of the Republic will officially launch the human rights policy of our Government — the flagship programme of the new Administration.

The Acting President: The Assembly will now take a decision on the draft resolution recommended by the Sixth Committee in paragraph 9 of its report.

The Sixth Committee adopted the draft resolution without a vote. May I consider that the Assembly wishes to do the same?

The draft resolution was adopted (resolution 53/105).

The Acting President: I call on the representative of the United States of America, who wishes to speak in explanation of position on the resolution just adopted.

Ms. Soderberg (United States of America): On 21 October, the United States position on the Rome treaty to establish the International Criminal Court was explained in some detail before the Sixth Committee. Our views remain those set forth before that Committee, including our position that certain provisions of the current treaty text are unacceptable. However, we want to take this opportunity to express our appreciation to all Governments that worked so hard and in good faith to finalize the text of the resolution contained in the report of the Sixth Committee. This is a constructive resolution that merited approval by consensus.

The United States joined consensus on this resolution in significant part because operative paragraph 4 provides an opportunity during the meetings of the Preparatory Commission for a serious discussion on ways to enhance the effectiveness and acceptance of the Court among Governments. To be fruitful, that effort should enable a process to unfold, resulting in a treaty that can attract our support and that of other Governments representing large and diverse parts of the global population. We believe the effectiveness and acceptance of the Court will depend to a significant degree on the definition of the Court's jurisdiction and whether the Court addresses the fundamental concerns of a wide

range of Governments. We also believe that the problems with the Rome treaty are solvable.

As we have said before, the stakes for international justice and for international peace and security are too great to accept anything but a serious effort to put this permanent Court on the right footing from the beginning. The advantages that can be derived from strong United States support for the International Criminal Court greatly outweigh any theoretical benefit derived from jurisdictional provisions that may not be effective, are objectionable under international law and run the risk of dividing us on an issue — international justice — that will be difficult enough to achieve even if we are in a position to act together.

The political will for international justice is clear. Now we must ensure that we can meet this enormous challenge in practice. The United States stands prepared to work with other Governments to create the most effective and most acceptable International Criminal Court.

The Acting President: May I take it that it is the wish of the General Assembly to conclude its consideration of agenda item 153?

It was so decided.

Agenda item 154

Report of the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization

Report of the Sixth Committee (A/53/635)

The Acting President: The Assembly will now take a decision on the two draft resolutions recommended by the Sixth Committee in paragraph 14 of its report.

We turn first to draft resolution I, entitled "Report of the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization".

The Sixth Committee adopted draft resolution I without a vote. May I consider that the Assembly wishes to do likewise?

Draft resolution I was adopted (resolution 53/106).

The Acting President: Draft resolution II is entitled "Implementation of the provisions of the Charter of the United Nations related to assistance to third States affected by the application of sanctions".

The Sixth Committee adopted draft resolution II without a vote. May I consider that the Assembly wishes to do the same?

Draft resolution II was adopted (resolution 53/107).

The Acting President: May I take it that it is the wish of the General Assembly to conclude its consideration of agenda item 154?

It was so decided.

Agenda item 155

Measures to eliminate international terrorism

Report of the Sixth Committee (A/53/636)

The Acting President: The Assembly will now take a decision on the draft resolution recommended by the Sixth Committee in paragraph 10 of its report (A/53/636).

The Sixth Committee adopted the draft resolution without a vote. May I consider that the Assembly wishes to do the same?

The draft resolution was adopted (resolution 53/108).

The Acting President: I shall now call on those representatives who wish to speak in explanation of position on the resolution just adopted.

Mr. Mohamed (Sudan) (*interpretation from Arabic*): Today, the global call to combat terrorism rings out above all others and is gaining in urgency. Though this call has been tarnished, at times, by politics and derailed by certain interests, it remains a legitimate one that we fully support. It enjoys priority within the general framework of initiatives and programmes to maintain international peace and security.

The unilateral actions of some States against the sovereignty and territorial integrity of others, with the ultimate aim of advancing an illicit agenda on the pretext

of combating terrorism, are not only unacceptable as instruments of policy, but are in themselves acts of terror that create nothing but chaos, confusion and injustice. They have nothing to do with combating terrorism.

Though it may be difficult in some instances to identify the real motives behind some acts, the claim of the United States of America that its 20 August attack against the Al-Shifa pharmaceutical plant in the Sudan took place in the context of anti-terrorism activities is blatantly false and completely untrue. We have satisfactorily proved that the American attack was purely terrorist and had nothing to do with the lofty objectives for combating terrorism to which we have all unanimously agreed. It is pertinent to recall here that, last September in Durban, the Non-Aligned Movement, whose members comprise two thirds of the United Nations membership, clearly and unequivocally condemned the American aggression against the Sudan. The Movement also voiced its opposition to unilateral actions of States taken on the pretext of combating terrorism.

It is with this understanding that we submitted the proposal that has been incorporated in operative paragraph 6 of the resolution that has just been adopted by the General Assembly under the agenda item entitled "Measures to eliminate international terrorism". Our proposal initially followed the same language used at the non-aligned summit in Durban, but we tried to be flexible, as all will attest, in order to arrive at the consensus language now used in the aforementioned paragraph. That flexibility was the choice we made in the face of aggression against my country. Even the aggressor can in no way deny it and we shall adhere to it throughout.

Mr. Sergiwa (Libyan Arab Jamahiriya) (*interpretation from Arabic*): My delegation joined the consensus on the resolution adopted under agenda item 155, "Measures to eliminate international terrorism", since it wished to comply with the working methods of the Sixth Committee in adopting resolutions by consensus. My delegation, however, wishes to explain its position on the resolution.

First, my delegation reaffirms its condemnation of international terrorism in all its forms and manifestations. Secondly, my delegation expresses its concern at the omission from the resolution of a clear definition of international terrorism. Thirdly, our support for the text should not be interpreted as applying to foreign occupation or a people's inability to exercise its right to self-determination in accordance with the United Nations Charter and the provisions of international law. Fourthly, our support for the resolution should not be interpreted as justifying State terrorism, which we consider to be the most vile and dangerous form of terrorism.

Mr. Akbar (Pakistan): Pakistan condemns terrorism in all its forms and manifestations. We attach great importance to the work of the General Assembly and the Legal Committee relating to measures to eliminate international terrorism.

The General Assembly has been emphasizing in its various resolutions, including resolution 46/51, the need to address this threat to humanity in a comprehensive manner. The Legal Committee has to undertake this unfinished task. Acting on the mandates given by the General Assembly, it should address the issue of the definition of terrorism. This matter is of fundamental importance for combating this scourge. Pakistan fully subscribes to the position of the Non-Aligned Movement that the legitimate struggle of liberation movements for the exercise of their right to self-determination does not constitute terrorism.

In this context, we are looking forward to the work that the Ad Hoc Committee established by resolution 51/210 will undertake as the last part of its work, as duly indicated in operative paragraph 11 of the resolution the Assembly has just adopted.

The time has now come to address the outstanding issue of the definition of terrorism and State terrorism, and to distinguish terrorism from the legitimate struggle of liberation movements in exercise of their right to self-determination.

The Acting President: We have heard the last speaker in explanation of position.

I shall now call on those representatives who wish to speak in exercise of the right of reply.

Ms. Willson (United States of America): We regret that the representative of the Sudan has not heeded your request, Madam President, that explanations of position made in the Sixth Committee not be repeated in the plenary and has restated accusations made against the United States in his previous statement. My delegation will not repeat our denial of those unfounded allegations, but refers delegations to our Sixth Committee statement in this respect.

Mr. Mohamed (Sudan) (*interpretation from Arabic*): I wish to clarify that my delegation did not speak in explanation of the vote when the resolution was adopted.

The Acting President: The Assembly has thus concluded this stage of its consideration of agenda item 155.

Agenda item 156

Review of the Statute of the Administrative Tribunal of the United Nations

Report of the Sixth Committee (A/53/637)

The Acting President: The Assembly will now take a decision on the draft decision recommended by the Sixth Committee in paragraph 6 of its report.

The Sixth Committee adopted the draft decision, entitled "Review of the statute of the United Nations Administrative Tribunal", without a vote. May I take it that the General Assembly wishes to do the same?

The draft decision was adopted.

The Acting President: May I take it that it is the wish of the General Assembly to conclude its consideration of agenda item 156?

It was so decided.

The Acting President: I now call on the Observer of Palestine to make a statement.

Mr. Jilani (Palestine): We were hoping to make a short statement earlier, to express appreciation following the adoption by consensus of resolution 53/96, entitled "Status of the Protocols Additional to the Geneva Conventions of 1949 and relating to the protection of victims of armed conflict". We would like to refer to operative paragraph 8 of that resolution, which notes the holding in October 1998 of the Meeting of Experts on General Problems of the Implementation of the Fourth Geneva Convention, which considered, in particular, the problems of application in occupied territories. The outcome of the meeting remains to be reported by the Chairman of the meeting to the High Contracting Parties and to the Secretary-General.

In this context, we would like to re-emphasize the importance of implementing the repeated recommendations of the tenth emergency special session. We believe that this would contribute to the strengthening of international humanitarian law and to ensuring respect for it.

The Acting President: The Assembly has thus concluded its consideration of all the reports of the Sixth Committee before it.

The meeting rose at 4.40 p.m.